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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/456,110	12/07/1999	XIA LUO	001/001	5994
75	590 08/01/2002			
Arlyn L Alonzo Esq Alsius Corporations 15770 Laguna Canyon Road Suite 150			EXAMINER	
			HAYES, MICHAEL J	
Irvine, CA 92618			ART UNIT	PAPER NUMBER
			3763	
			DATE MAILED: 08/01/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Carminer		_		0			
Examiner Michael J Hayes 3763			Application No.	Applicant(s)			
Michael J Hayes 3763			09/456,110	LUO ET AL.			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Exercision from mybe a sevilation under the provisions of 3 CFR 1.136(a). In one went, however, may a reply te timely filed after 30. (b) MONTHS from the mailing date term and with 700 days, a neply within the statistory reminant of thinky (00) days will be considered timely. If NO period for neyly is specified bears, the manning and stations provided signs of well septies (b) MONTHS from the mailing date of this communication. Fallulate to reply whithe this cast or extended period for neyly with, by statistory provided light and the communication to become ABANDONED (25 U.S.C. § 133). If NO period for neyly specified the search extended period for neyly with the statistory provided light and the communication of the communication. Fallulate to reply whithe this cast or extended period for neyly with the statistory provided light and the communication of the provided communication of the communicatio		Office Action Summary	Examiner	Art Unit			
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2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-3 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are elected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in aboyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) □ approved b) □ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1 □ Certified copies of the priority documents have been received. 2 □ Cortified copies of the priority documents have been received in Application No 3 □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 119(e) (to a provisional application). a) □ The translation of the foreign language provisional application has been received. 15) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s)	THE N - Exten after 3 - If the - If NO - Failur - Any re earne	MAILING DATE OF THIS COMMUNICATION. sions of time may be available under the provisions of 37 CFR 1.1: SIX (6) MONTHS from the mailing date of this communication. period for reply specified above is less than thirty (30) days, a reply period for reply is specified above, the maximum statutory period to reply within the set or extended period for reply will, by statute apply received by the Office later than three months after the mailing	36(a). In no event, however, may a reply be tir y within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from t, cause the application to become ABANDONE	nely filed s will be considered timely. I the mailing date of this communication. D (35 U.S.C.§ 133).			
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Application/Control Number: 09/456,110

Art Unit: 3763

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/18/02 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over DATO (U. S. Patent No. 3,425,419) or GINSBURG (U. S. Patent No. 5,486,208) in view of DOBAK (U. S. Patent No. 6,254,626) and FOX (U. S. Patent No. 6,090,132). Dato and Ginsburg each disclose a method of advancing a heat exchanger into a central venous vein of a patient for hypothermia treatment (2:40-52 and 4:20-23 respectively). Although Dato and Ginsburg disclose the advantages of inducing hypothermia neither specifically address using the method in a stroke patient for treatment nor monitoring and maintaining blood pressure during the procedure. Fox discloses that hypothermia is the most effective known therapy for stroke (1:20-33). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the step of identifying stroke patients as taught by Fox with the method of inducing hypothermia as

Application/Control Number: 09/456,110

Art Unit: 3763

disclosed by Dato or Ginsburg in order to accomplish a well known effective treatment for stroke patients. Dobak teaches that blood pressure is maintained during hypothermia treatment (col. 2, lines 29-40). It would have been obvious to one of ordinary skill in the art at the time of the invention monitor and maintain blood pressure as taught by Dobak in the method of Dato or

Conclusion

Ginsburg and Fox to effectively and safely perform the surgical procedure.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. WARD (U. S. Patent No. 5,716,386) and HAYASHI (U. S. Patent No. 6,210,697) show blood pressure control during hypothermia treatment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Hayes at (703) 305-5873. The examiner can usually be reached Monday -Thursday, 7:00-4:30, and on alternate Fridays. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler, can be contacted at (703) 308-3552. The fax number for submitting official papers is (703) 872-9302. The fax number for submitting after final papers is (703) 872-9303.

mjh 31 July 2002 MICHAEL J. HAYES